

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 21, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Trish Owen, Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer
Susan Starcher, County Clerk's Office

Absent: Bruce Medcalf, County Clerk

The Board of Commissioners meeting was convened at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 14, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated May 14, 2002. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. Wayne Venter, Agricultural Society Events Center Manager, was introduced to the County Board.

Chairman Workman and the County Board recognized employees who have been employed with the County for 10, 15, 20, 25, 30 and 40.

- 3) **PUBLIC COMMENT:** The public comment period is limited to thirty (30) minutes in duration and each speaker is limited to five (5) minutes. These time limits may be extended at the discretion of the County Board Chair. Comments shall be limited to items on the agenda.

Terry Ernisse, owner of Silver Spoke Saloon, appeared and submitted documentation in connection with an application for a Special Designated License which was considered by the County Board on May 14, 2002 (Exhibit 1). He stated it was his understanding that he now complies with all criteria which was previously in question.

In response to a question asked by Workman, David Johnson, Deputy County Attorney, informed the Board that the application was not a matter on their agenda. He stated it was his understanding that another application had been filed in the County Clerk's Office and that the number of people attending had been reduced. Johnson said if the County Board would want to consider the matter he would contact Building and Safety and the Health Department so that he could verify or provide any supplemental information regarding the lagoon issue and the building and safety issues which were previously raised.

Johnson also reminded the Board that there is a resolution which provides guidelines for submitting liquor applications, specifically Special Designated Licenses. He added that there is a requirement that the application for a Special Designated License be submitted 21 working days prior to the event in an effort to allow the Health Department, the Sheriff's Office, the County Engineer and in some cases Building and Safety to review the materials so that information can come to the Board and to also meet the ten working day requirement of the Liquor Control Commission.

- 4) **CLAIMS:** **Approval of all claims processed through Tuesday, May 21, 2002.**

MOTION: Heier moved and Campbell seconded approval. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

A. An application for a Class B (Beer Off Sale Only) and a Class K (Wine Off Sale Only) liquor license submitted by Jacox, Inc. d/b/a Emerald Mini Mart located at 8401 West "O" Street in Emerald, Lancaster County, Nebraska.

The Chair opened the public hearing.

The Clerk administered the oath to Mary Jacox, applicant.

Andrew Koszewski, attorney representing Mary Jacox, appeared and stated that Jacox Inc. was formerly known as Jacox and Reinsch Inc. and that they had applied for a liquor license in 1999.

In regard to a question about the inclusion of an application for Corporate Manager, Johnson indicated that the application was included in the documentation from the Liquor Control Commission and properly submitted.

Campbell asked if anyone holds a liquor license at the mini-mart.

Jacox responded no.

In response to a question asked by Hudkins, Jacox stated she has had customers inquire about the mini-mart obtaining a liquor license. She added that another establishment in the area is closed on holidays.

Stevens asked Jacox if she owned 50 percent of the corporation.

Jacox answered yes.

Stevens asked Jacox if she had attended any of the Responsible Hospitality Council's training and education classes.

Jacox responded that she had not attended any of their classes, however, she would be willing to do so.

Johnson informed the applicant that upon conclusion of the testimony, the hearing is held open for one week to allow any additional information to be entered into the record. He further stated that after the hearing closes next week, the County Board would direct the County Attorney's Office to draft a resolution.

5) **PUBLIC HEARINGS CONTINUED:**

In response to a question asked by Campbell regarding the Sheriff's recommendation, Terry Wagner, County Sheriff, responded that they have no statutory reason to recommend denial.

Wagner requested that his recommendation be made a part of the record.

Koszewski requested that the application be made a part of the record.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was recessed for one week.

B. An application for a Corporate Manager for John J. Dietrich in connection with a Class E (Beer Off Sale Only) and a Class K (Wine Off Sale Only) liquor license held by K & D Engineering d/b/a Hidden Valley Golf Course located at 10501 Pine Lake Road in Lancaster County, Nebraska.

The Chair opened the public hearing.

Johnson read into the record a letter from John Dietrich of Hidden Valley Golf Course requesting that an application for a Corporate Manager be withdrawn (Exhibit 2).

The Chair closed the hearing.

MOTION: Campbell moved and Heier seconded to accept the letter from John Dietrich regarding withdrawal of a Corporate Manager application. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

6) **NEW BUSINESS:**

A. A seasonal power purchase agreement with Lincoln Electric System for the curtailment of loads at Lancaster Manor during the summer months of June to September, 2002 and 2003. The term of the agreement is June 1, 2002 to September 30, 2003. (C-02-0202)

MOTION: Heier moved and Campbell seconded approval. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

- B. A seasonal power purchase agreement with Lincoln Electric System for the curtailment of loads at the Lancaster County Youth Services Center for the summer months of June to September, 2002 and 2003. The term of the agreement is June 1, 2002 to September 30, 2003. (C-02-0198)**

MOTION: Heier moved and Campbell seconded approval. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- C. An agreement with Constructor's Inc. for asphaltic concrete resurfacing and paving for Project 02-43 located at North 70th Street, Saltillo Road, Southwest 12th Street, Canongate Road, Old Cheney Road, Raymond Road, Branched Oak Dam and North 14th Street. The County will pay \$1,550,198.68. The work shall be completed by October 25, 2002. Approval shall be subject to receipt of a letter from the City of Waverly confirming the award of bid for Canongate Road and receipt of a certificate of insurance. (C-02-0201)**

Johnson stated he had received the certificates of insurance and requested they be made a part of the agreement.

Johnson also indicated he had received a letter from the City of Waverly confirming the award of bid for Canongate Road.

Hudkins referred to North 14th Street and asked if the project would widen the street.

Don Thomas, County Engineer, stated the project was for resurfacing only and includes the intersection of North 14th Street and Raymond Road.

MOTION: Campbell moved and Stevens seconded approval. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

- D. An engineering agreement with Mainelli-Wagner Associates for bridge design and plan preparation for Project BRO-7055(101), Waverly North, County Structure A-76. The work includes design and preparation of plans for the construction of a bridge and road improvements on Rock Creek Road at its intersection with Rock Creek. The County will pay \$13,534.34. (C-02-0203)**

MOTION: Hudkins moved and Stevens seconded approval. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

E. A resolution and agreement with the State of Nebraska, Department of Roads for necessary equipment for electronic report of bridge inspection data using the BISON program. The County will pay \$189.60 for the purchase of a camera and other items, which is 20 percent of the total cost of \$948. (R-02-0048) (C-02-0200)

MOTION: Hudkins moved and Stevens seconded approval. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

F. A resolution authorizing the following traffic signs in Lancaster County, Nebraska: (R-02-0046)

- ▶ Install a stop sign at the intersection of Southwest 128th Street and West Gage Road for eastbound traffic.
- ▶ Install a stop ahead sign 500 feet in advance of the intersection of Southwest 128th Street and West Gage Road for eastbound traffic.

MOTION: Hudkins moved and Heier seconded approval. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

G. A resolution in the matter of fixing the date, time and place for a public hearing regarding a request to vacate a portion of a County road which is the north stub of Bobwhite Trail located within Elsner Lakeside Estates in Lancaster County, Nebraska. (R-02-0047)

MOTION: Heier moved and Campbell seconded approval.

Workman inquired about the date of the public hearing.

Johnson responded it would be held on June 25, 2002 at 1:30 p.m.

ROLL CALL: Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

H. A resolution in the matter of County Board policies regarding abusive language phone calls, Director leave, legal opinions, employee communications and grant submittal. (R-02-0049)

MOTION: Campbell moved and Hudkins seconded approval. Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

- I. **Recommendation from the Purchasing Agent and the County Engineer to recognize all bids to provide annual requirements for the production of gravel surface coarse material, limestone rock and gravel for ice control for County roadways for Fiscal Year 2003. Prices and production sites are as follows: (B-02-0023)**

<u>GRAVEL:</u>	Concrete Industries, Inc. d/b/a	
	Western Sand & Gravel	NO BID
	Bluff Gravel	\$5.75/Ton
	Lyman Richey Sand & Gravel	\$6.39/Ton
<u>ROCK:</u>	Kerford Limestone Company	\$8.85/Ton
	Martin Marietta	\$9.55/Ton
<u>ICE CONTROL:</u>	Concrete Industries, Inc. d/b/a	
	Western Sand & Gravel	\$3.65/Ton
	Lyman Richey Sand & Gravel	\$3.75/Ton
	Bluff Gravel	\$4.00/Ton

Thomas stated that Concrete Industries, Inc. d/b/a Western Sand & Gravel supplied no bid and explained that they (Western Sand & Gravel) can no longer afford to haul concrete sand and gravel from their Fremont plant to Ashland by rail because the rail company has doubled their haul rates. He added that Western Sand & Gravel has decided to commit their Fremont plant to producing concrete aggregate for one season.

MOTION: Campbell moved and Hudkins seconded approval. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- J. **A salary increase for Gwen Thorpe, Deputy Chief Administrative Officer, from \$54,000 to \$55,500, retroactive to December 20, 2001.**

MOTION: Stevens moved and Campbell seconded approval. Heier, Campbell, Stevens and Workman voted aye. Hudkins voted no. Motion carried.

- K. **A political subdivision tort claim filed against the Lancaster County Corrections Department by Thomas M. Wessling for lost property in the amount of \$100.**

MOTION: Heier moved and Campbell seconded to accept the recommendation of the Director and deny the tort claim. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

L. A political subdivision tort claim filed against the Lancaster County Corrections Department by Clifford J. Davlin for lost property in the amount of \$50.

MOTION: Heier moved and Hudkins seconded to accept the recommendation of the Director and deny the tort claim. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

M. A request from Prange Construction, Inc. for a credit of personal property taxes for 1999, in the approximate amount of \$6.12; for 2000, in the amount of \$44.66 and for 2001, in the approximate amount of \$142.44.

MOTION: Heier moved and Campbell seconded approval of the request in the amount of \$142.44. Hudkins, Workman, Heier and Campbell voted aye. Stevens voted no. Motion carried.

Stevens stated it was his understanding the refund was for three different amounts and the motion reflects only one amount.

Norm Agena, County Assessor, stated the credit was for three years.

MOTION: Hudkins moved and Heier seconded to reconsider the previous motion made on New Business Item 6M. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

MOTION: Stevens moved and Hudkins seconded to issue a credit of personal property taxes for Prange Construction, Inc. for 1999, in the approximate amount of \$6.12; for 2000, in the approximate amount of \$44.66 and for 2001, in the approximate amount of \$142.44. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. Noxious Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for April, 2002.
2. Noxious Weed Control Authority's Monthly Report for April, 2002.
3. Register of Deeds Monthly Report for April, 2002.
4. Sheriff's Report of Fees for April, 2002.
5. Lincoln City Libraries Director's Report for April, 2002.

B. Setting of a public hearing for Tuesday, June 11, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding an application for an amusement license from Todd Hoyer to hold a street dance and other activities on Saturday, June 22, 2002 from 12 p.m. to 1 a.m. at the intersection of 1st Street and Southwest 114th Street in Lancaster County, Nebraska. (An application for a Special Designated License relating to the amusement license will be on the June 4, 2002 agenda.)

MOTION: Hudkins moved and Stevens seconded approval of the Consent Items. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: At 2:53 p.m. Heier moved and Campbell seconded adjournment of the Board of Commissioners meeting. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 21, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Trish Owen, Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer
Susan Starcher, County Clerk's Office

Absent: Bruce Medcalf, County Clerk

The Board of Equalization meeting was convened at 2:53 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 14, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated May 14, 2002. Campbell, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 158 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Campbell moved and Hudkins seconded approval. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS FOR THE FOLLOWING:**

**First Church of the Nazarene
Food Bank of Lincoln, Inc.
Pius X High School**

MOTION: Hudkins moved and Stevens seconded approval of the motor vehicle tax exemptions. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

4) **SETTING OF A PUBLIC HEARING FOR NOTICE OF VALUATION CHANGE:**

Setting of a public hearing for Tuesday, June 4, 2002 immediately following the regular meeting of the Board of Commissioners, in County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding notice of valuation change for omitted or undervalued property for Elizabeth I. Gifford.

MOTION: Heier moved and Campbell seconded approval of setting a public hearing for June 4, 2002 for notice of valuation change for Elizabeth I. Gifford. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

5) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY:**

Joseph & Kelley A. Dowding

Norm Agena, County Assessor, requested that the notice for Joseph and Kelley Dowding be held for one week.

MOTION: Campbell moved and Stevens seconded to hold the notice for Joseph and Kelley Dowding for one week. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

Salvador O. Ortiz

Agena recommended the value be set at \$37,593.

ANT L.L.C.

Agena recommended the value be set at \$10,041.

MOTION: Campbell moved and Hudkins seconded to accept the County Assessor's recommendations. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: At 2:55 p.m. Heier moved and Campbell seconded adjournment of the Board of Equalization meeting. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk